

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

-against-

ION VIOREL IONITOIU,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
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21 Cr. 295-8 (AT)

ORDER

In his sentencing submission, Defendant states that he is “entitled to an adjustment of the offense level, pursuant to U.S.S.G. § 4C1.1, because he is a zero-point offender who meets all of the criteria of § 4C1.1(a).” ECF No. 240 at 6 & n.3. The Government responds that “[t]he new Guidelines Manual in effect of November 1, 2023 does not change” the Guidelines range calculated in the plea agreement and presentence report. ECF No. 241 at 5.

“Ordinarily a sentencing court must apply the version of the Guidelines in effect on the date of the defendant’s sentencing.” *United States v. Kilkenny*, 493 F.3d 122, 126 (2d Cir. 2007). Accordingly, by **December 14, 2023, at 5:00 p.m.**, the Government shall submit a letter addressing Defendant’s argument that he is entitled to a two-level reduction pursuant to U.S.S.G. § 4C1.1. Defendant may file a reply by **December 15, 2023, at 5:00 p.m.**

SO ORDERED.

Dated: December 13, 2023
New York, New York



ANALISA TORRES
United States District Judge